

In either case, it would be improper to require restriction among the claims of Groups V and VI, i.e., claims 18-27, 50-59, 69-70, and 76-77, all of which have been classified in Class 709, Subclass 238. If the claims of Groups V and VI are found to be drawn to related inventions, then the Examiner must establish a reason for insisting upon restriction. M.P.E.P. § 808.02. The Examiner has not done so because he has not separately classified the claims, alleged a separate status in the art, or alleged distinct fields of search. "Where...the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions." Id.

If instead the claims of Groups V and VI are found to be drawn to unrelated inventions, then the facts relied upon in reaching this conclusion provide the reasons for requiring restriction. M.P.E.P. § 808.01. The Examiner has not given any facts to support an allegation that the claims of Groups V and VI are unrelated and instead seems to combine them into a single description "routing messages based on physical address or electronic address and account" in his explanatory paragraph. Office Action, p. 4.

Therefore, regardless of whether the inventions of Groups V and VI are found to be related or unrelated, the requirement to restrict among the claims of Groups V and VI is improper and should be withdrawn. Accordingly, Applicants request that the Examiner withdraw at least this portion of the restriction requirement and allow the application to proceed with claims 18-27, 50-59, 69-70, and 76-77.

Applicants submit herewith a Petition for Three Months Extension of Time for responding to the Restriction Requirement with the requisite fee.

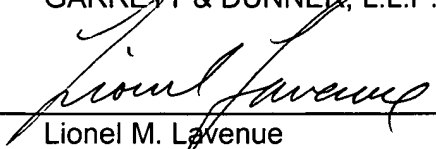
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 5, 2005

By: \_\_\_\_\_

  
Lionel M. Lavenue  
Reg. No. 46,859